



South Carolina House of Representatives

# Legislative Update

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## CONTENTS

HOUSE WEEK IN REVIEW .....	02
HOUSE COMMITTEE ACTION .....	05
BILLS INTRODUCED IN THE HOUSE THIS WEEK .....	17

*NOTE: Bill summaries included in this document are prepared by the staff of the South Carolina House of Representatives and are not the expression of the legislation's sponsor(s) or the House of Representatives. The summaries are strictly for the internal use and benefit of members of the House of Representatives and are not to be construed by a court of law as an expression of legislative intent.*

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## HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate H.3827, a bill requiring **CONVICTIONS FOR VIOLENT CRIMES TO BE RECORDED ON DRIVERS' LICENSES AND SPECIAL IDENTIFICATION CARDS**. The legislation provides that a person who has been convicted of or pled guilty or no contest to a felony designated as a violent crime on or after January 1, 2005, must have an identifying code to be determined by the Department of Motor Vehicles affixed to his driver's license or special identification card at the time the person obtains or renews the driver's license or special identification card. The code must be developed by the department and made known to the appropriate law enforcement officers and other judicial officials of this State. The legislation provides that a person convicted of or pleading guilty or no contest to a violent crime on or after January 1, 2005, in this State shall, surrender his South Carolina driver's license or special identification card to the court. The clerk of court within ten days shall transmit the driver's license or special identification card, if applicable, together with notice of the felony and whether or not it is a felony considered to be a violent crime, to the Department of Motor Vehicles. The driver's license or special identification card is considered revoked and the department shall keep a record of the revocation. If the felony which the person was convicted of or pled guilty or no contest to requires the suspension or revocation of his driver's license or special identification card, the driver's license or special identification card must not be returned to the person. The bill provides that when a person has been free of additional convictions of violent crimes for ten years after he has completely satisfied the terms of his sentence, the person may file an application with the Department of Motor Vehicles to have the identifying code contained on his driver's license removed. The bill provides that the intent of placing a code on a driver's license that identifies a person who has been convicted of a felony considered to be a violent crime is to promote the state's fundamental right to provide for the public health, welfare, and safety of its citizens and law enforcement officers. Notwithstanding this legitimate stated purpose, this provision is not intended to violate the guaranteed constitutional rights of person who have violated our nations laws.

The House appointed a conference committee to address differences with the Senate on S.104, a bill that **LEGALIZES THE PRACTICE OF TATTOOING**.

The House approved and enrolled for ratification S.888, a bill providing a **DEFINITION OF A NEW MANUFACTURED HOME**. This bill revises definitions used in the licensure and regulation of persons who manufacture, sell, install, modify, or alter manufactured homes, so as to define "new manufactured home."

The House approved and enrolled for ratification S.827, the **"CERTIFIED INDUSTRIAL HYGIENE AND CERTIFIED SAFETY PROFESSION TITLE PROTECTION ACT."** The legislation requires an individual who holds himself out as a certified industrial hygienist or a certified safety professional to be certified by the American



Board of Industrial Hygiene or the Board of Certified Safety Professionals. Criminal penalties are provided for violations.

The House amended, approved, and sent to the Senate H.4291, a bill which enacts the **"NURSE LICENSURE COMPACT ACT"**. The National Council of State Boards of Nursing developed model legislation for a multi-state nurse licensure compact in 1998. If a nurse is licensed and is in good standing in a compact state, that license will allow the nurse to practice in any of the other compact states. The compact maintains a coordinated licensure information system to collect and share information on nurse licensure and enforcement actions. When a nursing license application is received in a party state, the licensing board must check through the coordinated licensure information system to verify whether the applicant holds or has ever held a license issued by any other state, whether there are any restrictions on the applicant's multi-state privilege, and whether any other adverse licensure action by any state has been taken against the applicant's license. The bill specifies the conditions under which a nurse may be issued a license to practice in participating and non-participating states. Under the compact a license to practice nursing issued by a home state to a resident in that state must be recognized by each party state as authorizing a multi-state licensure privilege to practice in each party state. In order to obtain or retain a license, an applicant must meet the home state's qualifications for licensure, license renewal, and all other applicable home state laws. A party state may, in accordance with that state's due process laws, revoke, suspend, or limit the multi-state licensure privilege of any licensee to practice in its state and may take any other actions under its applicable state laws that are necessary to protect the health and safety of its citizens. The practice of nursing in a party state subjects a nurse to the jurisdiction of the nurse licensing board and the laws and the courts in that party state. If a party state takes an action against a nurse, it must notify the administrator of the coordinated licensure information system. The administrator must notify the home state of any actions taken by other states in the compact. The compact provides due process procedures for a nurse against whom an adverse licensure action is ordered. The bill provides that Beginning January 1, 2006, the State Board of Nursing shall require foreign-educated candidates for licensing as registered nurses to pass: (1) the National Council Licensure Examination (NCLEX); and (2) an English language proficiency test that determines whether or not the license applicant is proficient in conversational English with regard to medical terminology and the skills required of a registered nurse.

The House amended approved and sent to the Senate H.3929. This bill contains the provisions of the **LIFE SCIENCES ACT** independent of the other provisions enacted as part of S.560.

The House amended, approved, and sent to the Senate H.4767. This bill provides that **EACH HIGH SCHOOL SHALL MAKE VOTER REGISTRATION APPLICATIONS AVAILABLE**. Under the bill, the board of voter registration in each county or the entity charged by law with registering an elector, shall provide voter registration application forms at the request of the high school administration.



The House amended, approved, and sent to the Senate **H.4575**, a bill requiring **NOTIFICATION OF COURT HEARINGS ON CHILD SUPPORT OR PERIODIC ALIMONY ARREARAGE**. This bill provides that if the court issues a rule to show cause in a case of child support or periodic alimony arrearage, the court also shall provide written notice to the party owed the support. The notice must be provided at least five days before the hearing and must include the date, time, and place the party in arrears has been ordered to appear. The clerk of court shall place in the case file a notice issued with the time and date stamped on it.

The House amended, approved, and sent to the Senate **H.4688**, a bill establishing **GIFT CERTIFICATE REQUIREMENTS**. This bill provides that a person may not issue or sell a gift certificate which provides that the certificate expires before the first anniversary of the date on which the certificate is issued or sold. Exceptions are provided. The bill provides that a condition relating to the use of a gift certificate must be stated clearly on the certificate if the condition provides that the certificate decreases in value over a period of time or that a fee is charged against the balance of the certificate after a certain period of time.

The House amended, approved, and sent to the Senate **H.4589**, the "**NATURAL GAS ADJUSTMENT ACT**." The legislation establishes a procedure under which a natural gas distribution company may request rate adjustments on an annual basis to reflect current changes in investments, revenues, and expenses.

The House amended, approved, and sent to the Senate **H.4818**, a bill pertaining to the **COLLECTION OF LATE FEES BY LENDERS**. The legislation prohibits lenders from collecting delinquency charges on previous payments from current payments. The provision brings South Carolina law into accordance with the Federal Trade Commission's Credit Practices Rule.

The House approved and sent to the Senate **H.4600**, a bill pertaining to the **TRUST FUND FOR TAX RELIEF**. The bill provides that operating millage levied in a county for alternative schools, career and technology centers, and county boards of education whether or not levied countywide or on a school district by school district basis also is considered school operating millage to which the property tax exemption applies. The bill provides that county treasurers shall consider these operating millages in determining revenue lost when making disbursements to school districts from trust funds for tax relief funds.

The House approved and sent to the Senate **H.4803**, a bill concerning **OBTAINING A PERMIT FOR OPERATION OF A GOLF CART ON CERTAIN HIGHWAYS AND STREETS** during daylight hours. The bill adds a requirement that the owner of the cart shall provide proof of his ownership to the Department of Motor Vehicles.

The House amended, approved, and sent to the Senate **H.3967**. This bill provides that it is **NOT UNLAWFUL FOR A PERSON SIXTY-TWO YEARS OF AGE OR OLDER TO USE A CROSSBOW TO HUNT DURING SEASONS WHEN THE USE OF ARCHERY ONLY IS AUTHORIZED FOR HUNTING**.



The House amended, adopted, and sent to the Senate Concurrent Resolution **H.5031** which declares it is the public policy of this State that all **BEACH QUALITY SAND** excavated within the boundaries of this State's waters must be transported to and used to renourish South Carolina public beaches at no cost to this State to benefit the recreational use of these public beaches.

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The Agriculture, Natural Resources, and Environmental Affairs Committee recommitted to subcommittee **H.4934**, the **SOUTH CAROLINA ISOLATED WETLANDS ACT OF 2004**, a bill which establishes a program to regulate isolated wetlands, and activities in and around isolated wetlands.

The Committee reported favorable on **H.4070**, a bill which enacts the **AQUATIC LIFE PROTECTION ACT**. As reported by the Committee, this bill provides that the Department of Health and Environmental Control (DHEC) may only impose National Pollutant Discharge Elimination System (NPDES) permit limitations for whole effluent toxicity (WET) expressed in terms of survival endpoints where, based on the mixing zone authorized in the bill, DHEC determines that a discharge has the reasonable potential to cause or contribute to an excursion of a water quality criterion in Regulation 61-68 (Water Classification and Standards), other than numeric criteria for specific pollutants, that apply to the protection of indigenous aquatic organisms.

The Committee reported favorable with amendment on **H.3967**, a bill which addresses **HUNTING WITH CROSSBOWS**. As reported by the Committee, this bill provides that it is not unlawful for a person sixty-two years of age or older to use a crossbow to hunt during seasons when the use of archery is authorized for hunting.

### EDUCATION AND PUBLIC WORKS

The Education and Public Works Committee reported favorable on **H.4903**, a bill which authorizes and provides for **BREAST CANCER AWARENESS SPECIAL LICENSE PLATES**. Funds collected from sale of the plates would be directed to the Department of Motor Vehicles to defray the cost of creating and administering the plates, and to the South Carolina chapter of the American Cancer Society to support specified breast cancer-related programs.



The Committee reported favorable on **S.764**, a bill relating to **DEFINITIONS CONCERNING CORPORATE-OWNED FLEET MOTOR VEHICLES**. This bill amends the statutory definition of "fleet" to mean fifty or more, rather than two hundred or more, marked private passenger motor vehicles or property carrying vehicles with empty weight of up to 22,000 pounds and a gross vehicle weight of up to 26,000 pounds, owned or long-term leased by a corporation or other legal entity, and registered in South Carolina.

The Committee reported adjourned debate on **H.4038**, a bill which **AUTHORIZES THE DEPARTMENT OF PUBLIC SAFETY (DPS) TO PLACE ON A DRIVER'S LICENSE A MAGNETIC STRIP WHICH CONTAINS THE NAME AND TELEPHONE NUMBER OF A PERSON WHO MAY BE CONTACTED IN ANY EMERGENCY AND ANY OTHER INFORMATION DPS DETERMINES TO BE APPROPRIATE**.

The Committee reported favorable with amendment on **H.4935**, regarding special **DUCKS UNLIMITED LICENSE PLATES**. As reported by the Committee, this bill provides that these special plates may be sold to members of the public rather than exclusively to members of Ducks Unlimited. The bill also provides for the design of the plates and for approval of this design and any subsequent changes to the design in the future. The bill sets the fee for this special plate at fifty dollars and directs that funds remaining after deduction of costs for the plate will be used for wetlands conservation projects in South Carolina.

The Committee reported favorable with amendment on **H.4904**, regarding **DEALERS' TEMPORARY LICENSE PLATES**. As reported by the Committee, this bill requires that these plates must contain the dealer's name, city, and phone number, or the dealer's name and computer website address. The bill requires that the plate also contain (in a format prescribed in the bill) the expiration date of the period within which the purchaser must register the vehicle. Format requirements for this expiration date include a provision that the date must be displayed so as to be legible from a distance of at least twenty-five feet.

The bill also prohibits a dealer from using a temporary license plate, except in certain circumstances, for any other purpose, including but not limited to vehicle demonstrations, employee use, or transporting vehicles from one location to another. The bill prohibits a dealer from placing a temporary license plate on a vehicle until the vehicle is sold to a purchaser. The bill also provides that, in addition to the current prohibition on issuing a temporary plate in violation of these provisions, a person who uses a temporary license plate in violation of this section is guilty of a misdemeanor punishable by a one hundred dollar fine.

The Committee reported favorable with amendment on **H.4796**, a bill relating to **THE DEPARTMENT OF MOTOR VEHICLES' ADMINISTRATION OF THE STATE'S COMMERCIAL DRIVER LICENSE PROGRAM**. As reported by the Committee, this bill provides that the South Carolina Department of Motor Vehicles shall administer the State's Commercial Driver's License Program in accordance with the Federal Motor Carrier Safety Regulations.



For purposes of the South Carolina Code of Laws chapter regarding driver's licenses, the bill amends the definition of "conviction" to mean an unvacated adjudication of guilt, or determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or *nolo contendere* accepted by the court, the payment of a fine or court costs, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

The bill also adds to the statutory definition of "serious traffic violation" a conviction when operating a commercial motor vehicle of driving a commercial motor vehicle without obtaining a commercial driver's license; driving a commercial motor vehicle without a commercial driver's license in the driver's possession; driving a commercial motor vehicle without the proper class of commercial driver's license and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.

Regarding administration of the skills test for a commercial license, the bill provides that the department may authorize a person, including an agency of this or another state, an employer, or a department, agency, or instrumentality of local government, to administer this test if (in addition to other existing requirements) the third party has entered into an agreement with the department which contains, among other currently required items, authorization for the department or the FMCSA or its representatives to conduct random examinations, inspections, and audits without prior notice, and to randomly test commercial driver's license applicants or holders. The bill provides that an applicant or holder who fails retesting shall lose his commercial driver's license.

Regarding disqualification of a person from driving a commercial vehicle for conviction of certain traffic violations, the bill provides that offenses committed by commercial driver's license holders in a commercial or noncommercial vehicle must be considered.

The bill provides that a vehicle may not be driven or towed through or over any railroad grade crossing until the driver has determined that the vehicle has sufficient under carriage clearance to negotiate the railroad grade crossing.

The bill also adds a list of offenses and subsequent periods of time for which a commercial driver must be disqualified from operating a commercial motor vehicle if convicted of such offenses.

The Committee reported favorable with amendment on **S.512**, a bill relating to the **ISSUANCE OF A COMMERCIAL DRIVER'S LICENSE**. As reported by the Committee, this bill provides that for purposes of determining eligibility to obtain or renew a commercial driver's license, the term "resident of this State" shall include persons authorized by the U.S. Citizenship and Immigration Services within the Department of Homeland Security to work in the United States. The bill provides requirements for applications for such persons, including provision of immigration



and authorization documents and submission of criminal history reports. The bill provides that such persons shall not be issued an endorsement that allows the person to drive vehicles transporting hazardous materials or commercial vehicles transporting intermodal containers, vehicles carrying passengers, or school buses or school district-owned activity buses. The bill provides that the license for such persons must expire on the expiration date of the person's immigration and employment authorization document, and no more than five years from the date of its issuance. The bill provides for an annually renewable one year license extension for persons pending adjustment or work status.

The bill provides that the Department of Motor Vehicles shall administer the State's Commercial Driver's License Program in accordance with the Federal Motor Carrier Safety Regulations.

For purposes of the South Carolina Code of Laws chapter regarding driver's licenses, the bill amends the definition of "conviction" to mean an unvacated adjudication of guilt, or determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or *nolo contendere* accepted by the court, the payment of a fine or court costs, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

The bill also adds to the statutory definition of "serious traffic violation" a conviction when operating a commercial motor vehicle of driving a commercial motor vehicle without obtaining a commercial driver's license; driving a commercial motor vehicle without a commercial driver's license in the driver's possession; driving a commercial motor vehicle without the proper class of commercial driver's license and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.

Regarding administration of the skills test for a commercial license, the bill provides that the department may authorize a person, including an agency of this or another state, an employer, or a department, agency, or instrumentality of local government, to administer this test if (in addition to other existing requirements) the third party has entered into an agreement with the department which contains, among other currently required items, authorization for the department or the FMCSA or its representatives to conduct random examinations, inspections, and audits without prior notice, and to randomly test commercial driver's license applicants or holders. The bill provides that an applicant or holder who fails retesting shall lose his commercial driver's license.

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The bill also adds a list of offenses and subsequent periods of time for which a commercial driver must be disqualified from operating a commercial motor vehicle if convicted of such offenses.

The Committee reported favorable on H.4978. This bill provides that, **FOR PURPOSES OF TUITION ASSISTANCE AT A STATE TECHNICAL COLLEGE OR PUBLIC TWO-YEAR INSTITUTION, A HIGH SCHOOL STUDENT WHO IS DUALY ENROLLED IN AN ELIGIBLE TWO-YEAR INSTITUTION IS NOT REQUIRED TO BE DEGREE-SEEKING AND IS NOT REQUIRED TO COMPLETE A FREE APPLICATION FOR FEDERAL STUDENT AID APPLICATION.** The bill also provides that recipients of Palmetto Fellows or HOPE Scholarships are not eligible for this tuition assistance.

The Committee adjourned debate on H.4556, a bill which **EMPOWERS MUNICIPALITIES, COUNTIES, LOCAL ZONING AUTHORITIES, OR POLITICAL SUBDIVISIONS TO ENTER INTO "RELOCATION AND RECONSTRUCTION AGREEMENTS" WITH SIGN OWNERS TO RELOCATE OR RECONSTRUCT SIGNS.**

The Committee reported favorable with amendment on H.4740, a bill which enacts the **SOUTH CAROLINA SAFE ROUTES TO SCHOOL ACT.** As reported by the Committee, this bill requires municipal and county governing bodies to work with school districts in their jurisdiction to identify barriers and hazards to children walking or bicycling to and from school. The bill authorizes counties, municipalities, and districts to develop plans for funding improvements to reduce such barriers and hazards. The bill also authorizes school districts statewide to establish a Safe Routes to School Coordinating Committee and authorizes schools within the district to establish a Safe Routes to School Team, to help carry out the purposes of the bill. The bill also designates the first Wednesday of October of each year as "Walk or Bicycle with Your Child to School Day."

The Committee reported adjourned debate on H.4565, the **PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT OF 2004.**

The Committee reported favorable with amendment on H.4819, the **FINANCIAL LITERACY INSTRUCTION ACT OF 2004.** As reported by the Committee, this bill



requires the State Board of Education (the Board) to develop or adopt curricula (to be included in the S.C. Academic Standards of Instruction for K-12), materials, and guidelines for local school boards to use in implementing a program of instruction on financial literacy within courses currently offered in high schools in this State.

The bill delineates items which must be included in such programs, including but not limited to information regarding: opening a bank account, balancing a checkbook, spending and credit, completing a loan application, personal insurance policies, computing state and federal income taxes, understanding local tax assessments, computing interest rates, understanding simple contracts, contesting incorrect billings, savings and investing, and laws concerning finance.

The bill also authorizes the Board to establish a fund for receiving public and private contributions to defray the costs of relevant training for teachers; to provide rewards for schools, teachers, or students who win or achieve high levels of success in financial literacy competitions; to fund certain activities related to financial literacy education. Funds would be awarded as grants to local school boards to provide incentives for promoting financial literacy.

## JUDICIARY

The full House Judiciary Committee met on Tuesday, March 30, and took action on several bills.

The committee gave a report of favorable with amendment on **H.4734**, a bill establishing a **REVISED PROCESS FOR NOMINATING JUDICIAL CANDIDATES** for election by the General Assembly. The bill provides that the Judicial Merit Selection Commission shall consider not only the qualifications of individuals seeking judicial office, but also their fitness to serve. Under the legislation, the Judicial Merit Selection Commission would release to the General Assembly the full list of individuals found qualified and fit for judicial office. Under current law, the Judicial Merit Selection Commission submits only the list of the three individuals found most qualified to the General Assembly. The bill eliminates the current one-year waiting period for a former member of the General Assembly to be elected to a judicial office. The bill provides instead that a member of the General Assembly may not file for a judicial office while the member is serving in the General Assembly.

The committee gave a report of favorable with amendment on **H.3130**, a bill providing **FIREARMS RESTRICTIONS FOR CRIMINAL DOMESTIC VIOLENCE OFFENDERS**. The bill provides it is unlawful for a person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange, or transport for sale into this state firearms to a person convicted of criminal domestic violence of a high and aggravated nature. The bill revises provisions for domestic violence orders of protection so as to provide if the court finds that there is an imminent danger to the petitioner by the respondent, the court may order the respondent to surrender all firearms to the county sheriff as a condition of the order of protection. The Sheriff shall store the firearms for the duration of the order of protection. The bill provides



that if a person is charged with a violent crime, criminal domestic violence of a high and aggravated nature, or criminal domestic violence, the court may order the person, as a condition of bond, to surrender to the County Sheriff all firearms which are owned or possessed by the defendant. The sheriff shall store the firearms until final disposition of the charges. The bill provides that the magistrates court has jurisdiction over an action seeking a restraining order against a person engaged in criminal domestic violence of a high and aggravated nature and criminal domestic violence. The court may not charge a filing fee for such a complaint and motion for a restraining order. The bill imposes the firearms restrictions on criminal domestic violence restraining orders issued by a magistrate.

The committee gave a report of favorable with amendment on **H.4785**, a bill pertaining to **RESTRICTIONS ON THE ACTIVITIES OF BAIL BONDSMEN**. The bill provides that, in addition to other restrictions, a bail bondsman may not retrieve a bonds list from a jail, or retrieve any names and family addresses from any jail records. The legislation requires a bail bondsman to carry identification. Under the bill, a bail bondsman who violates his statutory requirements or restrictions has committed a crime of moral turpitude, and is guilty of a felony (rather than a misdemeanor) and, upon conviction, must be fined not more than five hundred dollars and (rather than and/or) imprisoned for not more one year (rather than thirty days).

The committee gave a report of favorable with amendment on **H.4767**. This bill provides that **EACH HIGH SCHOOL SHALL MAKE VOTER REGISTRATION APPLICATIONS AVAILABLE**. Under the bill, the board of voter registration in each county or the entity charged by law with registering an elector, shall provide voter registration application forms at the request of the high school administration.

The committee gave a report of favorable with amendment on **H.4575**, a bill requiring **NOTIFICATION OF COURT HEARINGS ON CHILD SUPPORT OR PERIODIC ALIMONY ARREARAGE**. This bill provides that if the court issues a rule to show cause in a case of child support or periodic alimony arrearage, the court also shall provide written notice to the party owed the support. The notice must be provided at least five days before the hearing and must include the date, time, and place the party in arrears has been ordered to appear. The clerk of court shall place in the case file a notice issued with the time and date stamped on it.

The committee voted to reconsider the vote by which a report of favorable with amendment was given to **H.4470**, a bill creating the **OFFENSE OF DEFRAUDING SECURED CREDITORS**.

**H.3373** failed. This bill establishes a misdemeanor for **UNINTENTIONALLY CAUSING THE DEATH OF ANOTHER PERSON WHILE VIOLATING A TRAFFIC LAW**.

The committee tabled **H.3793**, a bill providing that **PROBATE JUDGES HAVE ABSOLUTE CONTROL OVER THE MANAGEMENT THEIR OFFICE AND STAFF**.



## LABOR, COMMERCE AND INDUSTRY

The full House Labor, Commerce and Industry Committee met on Tuesday, March 30, and gave a report of favorable with amendment on **H.4589**, the "**NATURAL GAS ADJUSTMENT ACT.**" The legislation establishes a procedure under which a natural gas distribution company may request rate adjustments on an annual basis to reflect current changes in investments, revenues, and expenses.

## WAYS AND MEANS

The Ways and Means Committee reported favorable with amendment on **H.4262**, a bill **AUTHORIZING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (DHEC) TO ESTABLISH A STATE TRAUMA CARE SYSTEM (the System).** As reported by the Committee, this bill authorizes DHEC to develop standards and promulgate regulations for the creation and establishment of the System to promote access to trauma care for all South Carolina residents. Authority and responsibility including but not limited to oversight of the System would be vested in DHEC with powers which are enumerated in the bill. DHEC is also empowered to revoke or change a trauma center's designation if the center fails to meet prescribed requirements for designation at a particular level or not longer meets established standards and criteria.

DHEC is also authorized to fine providers or facilities for reasons provided in the bill. Up to twenty-five thousand dollars in fines (per fiscal year) may be retained in the Trauma Fund, a special account established in the bill to receive State appropriations as well as gifts and contributions from public or private entities. Monies in the fund would be used first to cover DHEC's operating expenses, and remaining funds would be distributed as financial aid to participating providers and as grants for proposals related to trauma care. The bill requires DHEC to promulgate regulations to establish the distribution of these funds, if such funds are adequate to do so. Amounts in excess of twenty-five thousand dollars in fine collections must be deposited in the State general fund. Appeals of DHEC decisions involving trauma center applications, designations, or fines are governed by the Administrative Procedures Act.

The bill provides that all of DHEC's duties included in the bill are contingent upon adequate funding to cover DHEC's operating and administrative costs.

The bill establishes and provides for a Trauma Advisory Council to be appointed by the DHEC Director and to act as an advisory body for trauma care system development and to provide technical support to DHEC.

The bill also authorizes and provides for DHEC to establish a trauma data collection and evaluation system to be known as the Trauma Registry.

The Committee reported favorable with amendment on **H.4971**. As reported by the Committee, this joint resolution **CREATES THE SOUTH CAROLINA COMMISSION**



**ON HEALTHCARE ACCESS**, to be governed by a Commission including representatives appointed by the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor, as well as ex-officio membership from the Department of Insurance and the Department of Health and Human Services. The Commission's objectives include, but are not limited to, providing direction and leadership for implementation of a plan for a Medicaid Expansion Program for working adults of small business; developing appropriate licensing and oversight regulations that will allow nonprofit community-based healthcare programs to raise funds through prepayment fees; seeking funds for educational programs to prepare South Carolinians to be more informed healthcare consumers; and investigating issues that may be barriers to accessing healthcare. The bill requires the Commission to publish on the Department of Insurance website agendas, minutes, and other related Commission information. The Commission is dissolved on June 30, 2007, or upon accomplishment of its work, whichever occurs earlier.

The Committee reported favorable with amendment on **H.4963**. As reported by the Committee, this bill **MAKES NUMEROUS REVISIONS TO THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS**, including but not limited to: defining "earned service" as paid employment as a judge or solicitor where the judge or solicitor makes regular contributions to the retirement system; revising provisions regarding establishing service credit (up to sixteen years) by providing the type and amount of service credit that may be established and the cost required to establish such service credit; providing options for System members to transfer to the system certain nonconcurrent credited service; providing options to which members may elect upon termination of service before retirement; providing the amount of earned service necessary for a member of the System to vest (ten years for a judge and eight years for a solicitor); providing for a vested member who began service before July 1, 2004, and who has terminated service and left contributions on deposit, to receive a monthly benefit beginning at age fifty-five and for those who begin service after July 1, 2004, beginning at age sixty-five; increasing member contributions from seven to ten percent of compensation, phased in over three years, beginning at eight percent on July 1, 2004.

The Committee reported favorable with amendment on **H.4527**. As reported by the Committee, this bill **EXTENDS TO RESERVE POLICE OFFICERS WHO MEET CERTAIN ELIGIBILITY REQUIREMENTS, THE STATE INCOME TAX DEDUCTION CURRENTLY ALLOWED FOR ELIGIBLE VOLUNTEER FIREMEN, VOLUNTEER RESERVE SQUAD MEMBERS, AND VOLUNTEER MEMBERS OF A HAZARDOUS MATERIALS RESPONSE TEAM**. The bill also adds a provision that an individual may receive only one deduction pursuant to this item.

The Committee reported favorable on **H.4465**. This bill provides that the amount of **THE HOMESTEAD EXEMPTION (CURRENTLY \$50,000) FOR PERSONS OVER AGE 65 AND CERTAIN DISABLED PERSONS MUST BE INDEXED TO INFLATION** in the same manner and by the same percentage that federal income tax brackets are adjusted to reflect increases in the Consumer Price Index.



The Committee reported favorable with amendment on **S.769**. As reported by the Committee, this bill **AMENDS THE CURRENT EXEMPTION FROM PROPERTY TAXES OF A DWELLING HOUSE OF A VETERAN** by providing an exemption to: the house (defined as the dwelling and the lot) owned by an "eligible owner" in fee or jointly with a spouse; the house owned by a "qualifying surviving spouse" (as defined in the bill) acquired from the deceased spouse and a house subsequently acquired by an eligible surviving spouse. The bill defines "eligible owner" as: a United States armed forces veteran who is permanently and totally disabled from a service-connected disability; a former law enforcement officer who is permanently and totally disabled from a law enforcement service disability; a former firefighter who is permanently and totally disabled as a result of a firefighting service disability. The bill defines "permanently and totally disabled" as the inability to perform substantial gainful employment by reason of a medically determinable impairment, either physical or mental, that has lasted or is expected to last for a continuous period of twelve months or more or result in death.

The Committee reported favorable with amendment on **H.3917**. As reported by the Committee, this bill creates the **SOUTH CAROLINA TRAUMATIC BRAIN INJURY TRUST FUND**, comprised of funds appropriated (beginning with Fiscal Year 2005-2006) in the general appropriations act. The bill also creates and provides for the South Carolina Traumatic Brain Injury Trust Fund Board, which would oversee the disbursement of the Fund's revenue to organizations involved with traumatic brain injuries and to other purposes the Board deems appropriate.

The Committee reported favorable on **H.4847**, relating to the **INVESTMENT TAX CREDIT AGAINST STATE INCOME TAX ALLOWED FOR ECONOMIC IMPACT ZONE QUALIFIED MANUFACTURING AND PRODUCTIVE EQUIPMENT PROPERTY**. The bill provides that in the case of credit earned and unused within the initial ten year period, a taxpayer may continue to carry forward unused credits for use in any subsequent tax years under conditions delineated in the bill. The bill further provides that credits carried forward beyond the initial ten-year period may not reduce a taxpayer's state income tax liability in any subsequent tax year by more than twenty-five percent.

The Committee reported favorable with amendment on **H.4968**. As reported by the Committee, this bill enacts the **SOUTH CAROLINA MOTION PICTURE INCENTIVE ACT**, intended to provide a financial incentive to the film industry so that South Carolina might compete successfully with other states for filming locations. Incentives in the bill include, but are not limited to:

- A state sales and use tax exemption to motion picture production companies that expend at least \$250,000 on the filming or production of one or more motion pictures in South Carolina within a consecutive twelve month period, under conditions specified in the bill;
- A tax rebate to motion picture production companies for the employment of persons subject to South Carolina income tax withholdings in connection with production of a motion picture; the rebate is equal to five percent of the



total payroll for these persons when total production costs in South Carolina are at least one million dollars during the taxable year;

- Thirteen percent of the previously unallocated admissions tax must be allocated annually for the use of the South Carolina Film Commission. The Film Office may rebate to a motion picture production company up to seven percent of the costs of goods and services purchased by the motion picture production company in the State and subject to the state sales and use tax if the production company has a minimum in-state expenditure of one million dollars.
- One percent of the previously unallocated admissions tax must be allocated to the Film Commission to promote collaborative production efforts between institutions of higher learning in South Carolina and motion picture related entities.
- Under certain conditions, the Film Commission may negotiate below-market rates for temporary use of underutilized state property, and such negotiations and use are exempt from provisions of the South Carolina Procurement Code.
- The State or its political subdivisions may not charge a location fee for properties they own if the properties are used for seven or fewer days as the location in the production of a motion picture. A property may not be used for more than a total of twenty-one days without location fees in a calendar year. The production company may be on site no longer than seven days within a thirty day period without a location fee charge.
- The Department of Commerce is authorized to for a foundation to solicit donations for the recruitment of motion pictures.
- Motion picture production companies, under conditions specified in the bill, are provided exemptions from accommodations tax if they lease accommodations for a minimum period of time over a twelve month period.

The bill requires specified credit to the State on the end credit roll of a motion picture that utilizes a South Carolina tax credit or rebate, but the bill also reserves the right of the State to refuse such credit.

The bill provides a tax credit of an amount equal to twenty percent (but not more than \$100,000) of a taxpayer's cash investment in a qualified South Carolina motion picture project. The bill also provides allows a taxpayer to claim a credit equal to twenty percent of the value of the taxpayer's investment in the construction or conversion, or equipping, of a motion picture production or post-production facility. In such instances, the total amount of credit which may be claimed by all taxpayers on a single production or post-production facility may not exceed five million dollars.



The Committee reported favorable on **S.904**. This bill **INCREASES FROM FORTY MILLION DOLLARS TO SIXTY MILLION DOLLARS THE MAXIMUM AMOUNT OF CLEMSON UNIVERSITY ATHLETIC FACILITY REVENUE BONDS** which may be outstanding at any time.

The Committee reported favorable on **S.487**. This comprehensive bill includes **NUMEROUS ENVIRONMENTAL AND FEE PROVISIONS RELATING TO THE DRYCLEANING INDUSTRY**. The bill imposes a one percent environmental surcharge of the gross proceeds of sales of dry cleaning facilities on all owners and operators participating the Dry Cleaning Facility Restoration Fund. The bill allows the Department of Revenue (DOR) to retain funds for the costs incurred in administering, collecting, and enforcing the fund. The bill provides an opportunity for owners and operators who previously elected not to place a facility under the provisions of this article or who did not register with the DOR to do so under certain conditions.

The Committee reported favorable on **H.4724**. This bill **EXEMPTS FROM STATE BUDGET AND CONTROL BOARD ACROSS-THE-BOARD REDUCTIONS, AMOUNTS APPROPRIATED IN THE GENERAL APPROPRIATIONS ACT AS SALARY SUPPLEMENTS FOR COUNTY CLERKS OF COURT, PROBATE JUDGES, SHERIFFS, REGISTRARS OF DEEDS, COUNTY AUDITORS, COUNTY TREASURERS, AND COUNTY CORONERS**. The bill also adds county coroners to the list of those county officers to whom the General Assembly shall appropriate annual salary supplements.

The Committee reported favorable with amendment on **H.4924**. As reported by the Committee, this bill **PROVIDES REQUIREMENTS, PROCEDURES, AND CIVIL AND CRIMINAL PENALTIES INTENDED TO ENHANCE ENFORCEMENT OF PROVISIONS OF THE TOBACCO ESCROW FUND ACT AND TO SAFEGUARD THE INTEGRITY OF THE MASTER SETTLEMENT AGREEMENT**. The bill requires tobacco product manufacturers selling cigarettes in this State to certify that they are a "participating manufacturer" as defined in the Master Settlement Agreement or that they are in full compliance with the requirement to participate in the Master Settlement Agreement or deposit funds in a qualified escrow fund. The bill requires tobacco product manufacturers to provide certain "brand family" information as provided in the bill. "Brand families" are all styles of cigarettes sold under the same trademark and differentiated from one another by means of certain additional modifiers or descriptors (i.e., menthol, lights, kings, etc.).

The bill requires the Attorney General to develop and make available for public inspection a directory listing all tobacco product manufacturers that have provided certification and all brand families that are listed in the certification. The bill provides certain exceptions to this requirement.

The bill makes it unlawful to affix a stamp to a container of cigarettes of a tobacco product manufacturer or brand family not included in the directory if such a stamp is required by law.

The bill provides that it is unlawful to sell, offer, acquire, hold, own, possess, transport, import, or cause to be imported for sale in this State cigarettes of a



tobacco product manufacturer or brand family not included in the directory, or to import such cigarettes for personal consumption. The bill provides penalties for persons who violate these provisions.

The bill requires and provides for a nonresident or foreign nonparticipating manufacturer that has not registered to do business in this State as a foreign corporation or business entity, to appoint and continually engage the services of an agent in this State for the service of process. Nonparticipating manufacturers who do not provide such an agent are deemed to have appointed the Secretary of State as the agent.

The bill requires cigarette distributors to report at the end of each calendar quarter, information that the Attorney General requires to facilitate compliance with these provisions.

The bill provides that cigarettes for sale in this State or imported for personal consumption in a civil or criminal violation of these provisions are declared contraband and may be seized pending adjudication of the violation. Upon determination of a violation, the cigarettes are forfeited and must be destroyed.

The bill provides that it is unlawful for a cigarette manufacturer, retailer, importer, or distributor to sell or possess counterfeit cigarettes, and a person who violates this provision is guilty of a felony punishable by fine and/or imprisonment.

## **BILLS INTRODUCED IN THE HOUSE THIS WEEK**

### **AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS**

#### **H.5070 HUNTING WATERFOWL ON LAKE MARION Rep. Bailey**

This bill makes it unlawful to hunt migratory waterfowl on certain coves on Lake Marion and provides penalties for violation of this prohibition.

### **EDUCATION AND PUBLIC WORKS**

#### **H.5080 CAROLINA PUBLIC SCHOOL DISTRICT Rep. W.D. Smith**

This bill establishes and provides for the Carolina Public School District (the District) which, among other things, is empowered to sponsor and to supervise public charter schools throughout the State. The bill provides for the formation, funding, regulation, and governance of charter schools sponsored by the District.



## JUDICIARY

### **H.5042 ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT REVISIONS** Rep. Wilkins

This bill provides that lobbyists and lobbyist's principals may not register or reregister until all late filing penalties are paid. The bill revises the requirement that the State Ethics Commission enforce filing requirements, so as to change the assessment of the fine after a required statement has been filed and the required notice has been given. The bill revises provisions relating to the duties and powers of the State Ethics Commission, so as to clarify that all investigations, inquiries, hearings, and accompanying documents must be confidential until final disposition of a matter unless the respondent waives this right by written authorization to the commission. The bill expands the prohibition of a public official, public member, or public employee using his official position for personal gain, so as to include a family member instead of a member of his immediate family. The bill revises the exception to the reporting requirement for events to which the entire legislative body is invited, so as to authorize the exception for the entire membership of a standing committee or county legislative delegation if proper records are maintained and made available to the public for inspection and copying. The bill revises provisions relating to filing of certified campaign reports by candidates and committees, so as to clarify that if a municipal election is not held pursuant to provisions for special elections to fill vacancies in office, the candidate shall file a campaign disclosure report within fifteen days of being declared a winner or fifteen days before the established election date, whichever is sooner.

### **H.5045 ENFORCEMENT OF PROHIBITION ON SALES OF BEER WINE AND TOBACCO PRODUCTS TO UNDERAGE INDIVIDUALS** Rep. G. M. Smith

This bill provides that a retailer of beer and wine must train its retail sales employees regarding the lawful age for purchase of beer and wine and to provide that an employee of a retailer of beer and wine who is convicted three times of a violation of these provisions regarding unlawful sales to underage individuals must be suspended from selling beer and wine for one year. The bill requires a law enforcement agency conducting an age verification check at a retail location to notify the retailer within ten days whether the compliance check was satisfactory or unsatisfactory. The bill provides that whenever a retailer of beer and wine is found by the Department of Revenue to have sold beer or wine to a person under the age of twenty-one four or more times within two years, the retailer's beer and wine permit must be suspended. The bill revises provisions relating to supplying minors with cigarettes so as to provide a definition for the terms "tobacco product" and "person." The bill provides that a retailer of tobacco products must train its retail sales employees regarding these provisions. The provides that an employee of a retailer of tobacco products who is convicted three times of a violation of these provisions regarding underage individuals must be suspended from selling tobacco products for one year. The bill provides that a person under the age of eighteen years of age may not purchase, accept receipt, attempt to purchase, attempt to accept receipt of a tobacco product, or possess or offer fraudulent proof of age for



the purpose of purchasing or possessing a tobacco product. The bill provides that a law enforcement agency may use minors to test a community's compliance. The bill establishes a penalty for a violation by a person under the age of eighteen. The bill provides that a violation does not affect a retailer's beer and wine permit. The bill provides that a person under the age of eighteen convicted of a violation may have his record expunged when he attains the age of eighteen and has paid the fine and completed community service.

**H.5046 QUALIFICATIONS FOR THE OFFICE OF SHERIFF Rep. Bowers**

This bill provides that a person who has served as a state constable for at least ten years meets the training and experience qualifications for the office of sheriff.

**H.5048 UNLAWFUL TO IMPEDE OR DELAY SCHOOL BUSES Rep. Altman**

This bill provides that it is unlawful for a person to interfere with the transportation of students by school bus with the intent to deliberately delay or impede the process of transporting students. The bill provides for the suspension of the driver's license of a person who violates the provision. A penalty is provided. The provision does not apply to an accident between a school bus and another vehicle.

**H.5051 IDENTIFICATION CARDS FOR LICENSED BAIL BONDSMEN AND RUNNERS Rep. Rutherford**

This bill provides that licensed bail bondsmen and runners must be issued identification cards which they must possess when they perform their duties.

**H.5059 STUDY COMMITTEE ON THE JUDICIAL SELECTION PROCESS Rep. Govan**

This joint resolution creates the Study Committee on the Judicial Selection Process and provides for its membership, duties, and termination.

**H.5060 PAROLE HEARINGS Rep. Harrell**

This bill provides that parole hearings in cases relating to a single victim must be held on the same day. The bill provides that this requirement is retroactive. The legislation provides a procedure for setting a parole hearing date for multiple offenders who commit an offense or are serving a sentence for an offense before July 1, 2004.

**H.5062 DRIVER'S LICENSE SUSPENSION FOR BREAKING INTO FUEL STORAGE AREAS Rep. Leach**

This bill revises provisions relating to breaking into motor vehicles or tanks, pumps, and other containers where fuel is stored, so as to provide that a person who violates the provisions shall have his driver's license suspended in addition to the existing penalties.

**H.5081 ECONOMIC IMPACT STATEMENT REQUIRED ON PROPOSED REGULATIONS Rep. Loftis**

This bill revises procedures for the publication of notices of proposed regulations under the Administrative Procedures Act, so as to provide that proposed regulations



must have an economic impact statement. The bill revises provisions relating to regulations which require assessment reports and the content of these assessment reports, so as to revise the required content of these assessment reports including a requirement for an economic impact statement and the manner in which these reports are distributed.

## **LABOR, COMMERCE AND INDUSTRY**

### **H.5066 REGULATION OF COMMERCIAL MOBILE SERVICE Rep. Cato**

This bill revises provisions relating to certificates of public convenience required to be obtained prior to the construction or operation of any radio commercial carrier system, so as to provide that the commission is not empowered to impose any requirements or otherwise regulate "commercial mobile service" as defined under federal law. The bill provides for the manner in which customer complaints regarding commercial mobile service must be processed.

### **H.5072 "FIRE SPRINKLER SAFETY ACT" Rep. Loftis**

This bill enacts the "Fire Sprinkler Safety Act" in conformance with the statutory organizational framework of for boards under the administration of the Department of Labor, Licensing and Regulation. The bill provides for the licensure and regulation of fire sprinkler contractors and the regulation of fire sprinkler systems by the contractor's licensing board. The bill establishes standards for licensure and sprinkler systems. The legislation establishes penalties for violations.

### **H.5078 IMPEDING INSTALLATION OF TELECOMMUNICATIONS FACILITIES OR EQUIPMENT Rep. Sandifer**

This bill provides that no telecommunications service provider shall enter into any agreement which restricts or limits the ability of any other telecommunications service provider from obtaining easements or rights-of-way for the installation of facilities or equipment to provide telecommunications services in this state or which offers or grants incentives or rewards to an owner of real property to encourage the owner to refuse or restrict access to the real property by any other telecommunications service provider. Exceptions are provided. The bill provides for civil penalties for violations.

### **H.5079 AUTOMOBILE INSURANCE REVISIONS Rep. Cato**

This bill revises provisions relating to the automatic suspension of a motor vehicle registration upon lapse or termination of the security required to operate the vehicle, so as to provide that the vehicle's owner's driving privileges are also suspended when the vehicle's required security lapses or terminates. The bill revises the procedure whereby an insurance or security provider must notify the Department of Motor Vehicles when an automobile insurance policy or security lapses or terminates. The bill revises the Department of Motor Vehicle's obligations to notify a vehicle owner that his vehicle registration has been suspended. The bill revises the requirement that a registered vehicle be insured, so as to provide that the certificate of insurance must be in a form that has been reviewed by the



Department of Insurance and the Working Group, and to provide that the Department of Motor Vehicles may promulgate a regulation to require proof of insurance on certain new and renewal registrations. The bill provides that a person's driving privileges are also suspended when his motor vehicle becomes uninsured. The bill revises provisions relating to the Motorist Insurance Database Program, so as to provide that the Working Group shall issue recommendations regarding the implementation of the program and issue annual reports on the program's effectiveness. The bill revises the period of time a person must verify that his motor vehicle is insured or exempt from the financial security requirements before his driving privileges and vehicle license plates will be suspended. The bill revises the provisions that prohibit discrimination in the offering of insurance policies, so as to provide that a licensed agent or broker may charge certain administrative fees for incidental services to certain individuals associated with uninsured motorist related transactions and the electronic reporting of information to the Department of Motor Vehicles. The bill revises provisions relating to agreements to exclude natural persons from insurance coverage, so as to revise the procedures for executing these agreements.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

### **H.5044 *PHARMACY AND THERAPEUTICS COMMITTEE* Rep. McGee**

This bill establishes and provides for the Pharmacy and Therapeutics Committee (the Committee) within the Department of Health and Human Services (DHHS), to be appointed by and serve at the pleasure of the director of DHHS. The Committee is comprised of eleven physicians and four pharmacists who actively provide services to the State Medicaid population, and is established to recommend to DHHS therapeutic classes of drugs that should be included on a Preferred Drug List. For those recommended classes, the Committee is charged to recommend the drug or drugs considered preferred within that class based on safety and efficacy as provided in the bill. The bill delineates procedures which must be included in any Preferred Drug List program. The bill provides that a grant of prior authorization for a drug is specific to the drug, rather than the actual prescription, and extends to all refills allowed to the original prescription and subsequent prescriptions for the same drug at the same dosage, provided the time allowed by the prior authorization has not expired. The bill also provides that a Medicaid recipient who has been denied prior authorization for a prescribed drug may appeal the decision through DHHS's appeals process.

### **H.5076 *AMBULANCE LICENSES* Rep. Phillips**

This joint resolution directs the State Department of Health and Environmental Control to cease issuing new ambulance licenses until the department has the necessary personnel to enforce existing licensure requirements. The bill also delineates requirements which a licensee must satisfy upon renewal of an ambulance license that is in existence on the effective day of this joint resolution.

## **WAYS AND MEANS**



**H.5043 PUBLIC SCHOOLS INFRASTRUCTURE BANK ACT Rep. Harrell**

This bill enacts the Public Schools Infrastructure Bank Act of 2004, establishing the Public School Facilities Finance Authority (the Authority) for the purpose of providing assistance to the school districts of the State in the securing of financing for public school needs. Under the provisions of the bill, the Board of the Authority may issue bonds for construction and equipping of new school facilities; the renovation and equipping of existing school facilities; and the furnishing and equipping of new and renovated school facilities. The bill requires that such bonds must be secured by and be payable from school district payments as provided in the bill.

**H.5058 MOTOR FUELS Rep. Scarborough**

This bill reduces the user fee on motor fuels from sixteen cents a gallon to eleven cents a gallon. The bill also deletes the state sales tax exemptions for fuels subject to this user fee and requires that the subsequent sales tax revenue be used for road repair and maintenance. The bill revises the road tax on motor carriers from sixteen cents per gallon to eleven cents per gallon plus an amount representing the state sales tax on the gross proceeds of sales of motor fuels. The bill revises the tax credit for motor carriers from sixteen cents per gallon to eleven cents per gallon plus state sales tax paid on all motor fuel as described in the bill.

**H.5071 MOTOR FUELS Rep. Cobb-Hunter**

This bill applies the optional local sales and use tax to motor fuels subject to the user fee on motor fuels and provides for crediting and distribution of subsequent revenue from this tax.

**H.5073 SOUTH CAROLINA WORKS ACT Rep. W.D. Smith**

This bill enacts the South Carolina Works Act, intended to encourage and assist persons with severe disabilities to achieve maximum independence through gainful employment, by ensuring an expanded and constant market for their products and services. The bill establishes a state procurement program which requires government agencies, under certain circumstances, to purchase certain products and to procure certain services from not-for-profit agencies or governmental agencies for persons with severe disabilities.

**H.5085 INCOME TAX DEDUCTION FOR ORGAN DONATION  
BY LIVING PERSON Rep. Cotty**

This bill provides a state individual income tax deduction of up to ten thousand dollars of eligible expenses incurred by a resident full-year individual taxpayer in the donation, while living, of one or more of the taxpayer's organs to another human for human organ transplantation. "Human organs" are defined in the bill as all or part of a liver, pancreas, kidney, intestine, lung, or bone marrow.

**H.5086 TAXATION Rep. Kirsh**

This comprehensive bill is the Department of Revenue's annual "clean-up bill," which amends numerous sections of the Tax Code.



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